

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN R. SCHOTT, )  
                        )  
Plaintiff,         )  
                        )  
                        )  
v.                     ) Civil Action No. 03-350  
                        ) Judge McVerry  
COUNTY OF WESTMORELAND, ) Magistrate Judge Caiazza  
*et al.*,             ) In Re: Doc 65  
                        )  
Defendants.         )

**ORDER**

Before the court for resolution is a Motion for Sanctions filed by the Defendants' Westmoreland Regional Hospital and James Millwood, M.D. The Defendants' Motion, filed on June 20, 2005, is related to an order entered by this court on April 19, 2005.

Discovery in this case closed on March 28, 2005 and a series of dispositive motions are now before the court. With respect to the instant motion, the Plaintiff claims that the moving Defendants have accessed most of the information that they initially sought through the normal channels of the discovery process. The merits of that claim aside, the resolution of the instant Motion has no bearing on the pending summary judgment motions. See Defs.' Mot. ¶ 5 ("Defendants ability to prepare this case for trial has been significantly impaired by plaintiff's failure to respond to defendants' discovery requests.") (emphasis

added). Therefore, the court will delay ruling on the instant Motion until after the summary judgment motions are finally resolved. At that time, if appropriate, the Defendants shall again file its motion. Parenthetically, the sanction requested by the Defendants is overly broad.

The Motion For Sanctions is DENIED, without prejudice.

IT IS SO ORDERED this 21<sup>st</sup> day of July, 2005.

s/Francis X. Caiazza  
Francis X. Caiazza  
U.S. Magistrate Judge

cc:

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